

**Proposed amendments to Coastal Zone Land Use Ordinance Section  
23.08.165- Residential Vacation Rentals - September 2010  
Public Review Draft**

**EXHIBIT LRP2009-00005:A**

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE  
COASTAL ZONE LAND USE ORDINANCE, SECTION 23.08.165 RELATING TO  
RESIDENTIAL VACATION RENTALS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 23.08.165 of the Coastal Zone Land Use Ordinance, Title 23 of the San Luis Obispo County Code, is hereby amended as follows:

**23.08.165 - Residential Vacation Rentals:** The development of a new structure intended for use as a Residential Vacation Rental shall comply with all standards applicable to the construction of a residence within the land use category that the Residential Vacation Rental is proposed. Rental shall not exceed one individual tenancy within seven consecutive calendar days. The use of residential property as a vacation rental within the Cambria, Cayucos, Avila Beach and Los Osos urban reserve lines shall comply with the following standards:

- a. **Purpose.** The purpose of this section is to establish a set of regulations applicable to residential vacation rentals. These regulations are in addition to all other provisions of this Title. In the adoption of these standards the Board of Supervisors find that residential vacation rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, thereby having the potential for a deleterious effect on the adjacent full time residents. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods they are located within.
- b. **Permit requirements.** Zoning Clearance, Business License and Transient Occupancy Tax Registration for each residential vacation rental. A Zoning Clearance for a residential vacation rental issued after the effective date of these amendments ( ) is valid for a period of three years. Continued operation after the initial three year period is subject to approval of a Minor Use Permit. The application for a Minor Use Permit must be submitted prior to the expiration date of the Zoning Clearance. If the Minor Use permit is still in process after the initial three year period expires, use of the residence as a residential vacation rental shall cease until final action is taken on the Minor Use Permit. Where water or sewage disposal is provided by a community system, evidence shall be submitted with the application for a Zoning Clearance to show that the service provider(s) has been informed of the proposed use of the

property as a vacation rental, and has confirmed that there is adequate service capacity available to accommodate this use.

c. **Location.**

**(1) Cambria, Cayucos and Los Osos.** Within all residential land use categories, no residential vacation rental shall be located within 200 linear feet of a parcel on the same block on which is located any residential vacation rental or other type of visitor-serving accommodation. ~~that is outside of the Commercial land use category.~~ For the purpose of this measurement, “the same block” shall also include the lots within 200 linear feet across the fronting street from the proposed residential vacation rental. This location standard can be modified through Minor Use Permit approval when a Development Plan is not otherwise required.

**(2) Within the Avila Beach Urban Reserve Line.** In all Residential and Recreation land use categories, no parcel shall be approved for a residential vacation rental if it is within 50 feet of another parcel with a residential vacation rental. The distance shall be measured from the property line of the property containing the vacation rental. In the case of condominium units, the property line shall be the wall of the individual unit. This location standard may be modified through a Minor Use Permit approval when a Development Plan is not otherwise required.

d. **Vacation rental tenancy.** Rental of a residence shall not exceed one individual tenancy within seven consecutive calendar days. No additional occupancy of the residence (with the exception of the property owner and guests) shall occur within that seven day period. A residential vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time occupied unit. No other use (i.e.: home occupation, temporary event, homestay) shall be allowed on the site.

e. **Number of occupants allowed.** The maximum number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the on-site parking requirement set forth in subsection i hereof, and shall not exceed two persons per bedroom plus two additional persons. The Zoning Clearance shall specify the maximum number of occupants allowed in each individual vacation rental.

f. **Appearance, visibility and location.** The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting, ; or by the construction of accessory structures or garages visible from off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas.

g. **Signs.** Availability of the rental unit to the public shall not be advertised on site. One eight inch by 12 inch sign shall be placed on the property so as to be visible from the street. The sign shall read: For Property Management call( name and phone number of contact person). The sign shall blend with existing landscaping and/or colors of the residence.

h. **Traffic.** Vehicles used and traffic generated by the residential vacation rental shall not exceed the type of vehicles or traffic volume normally generated by a home occupied by a full time resident in a residential neighborhood. For purposes of this section, normal residential traffic volume means up to 10 trips per day.



- i. **On-site parking required.** All parking associated with a Residential Vacation Rental shall be entirely on-site, in the garage, driveway or otherwise out of the roadway, in accordance with subsection e., above. Tenants of Residential Vacation Rentals shall not use on-street parking at any time.
- j. **Noise.** All residential vacation rentals shall comply with the standards of Section 23.06.040 et seq. (Noise Standards). No residential vacation rental is to involve on-site use of equipment requiring more than standard household electrical current at 110 or 220 volts or that produces noise, dust, odor or vibration detrimental to occupants of adjoining dwellings. In addition, property owners and/or property managers shall insure that the occupants of the residential vacation rental do not willfully create loud and unreasonable noise that disturbs others and is not in keeping with the character of the surrounding neighborhood. Loud and unreasonable noise shall be evaluated through field observations based upon a threshold of noise disturbance related to the residential vacation rental use that is audible from a distance of 50 feet.
- k. **Local contact person.** All residential vacation rentals shall designate a local property manager. The local property manager shall be available 24 hours a day to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.
  - (1) A notice the name, address and telephone number(s) of the local contact person shall be submitted to the Department of Planning and Building, the local Sheriff Substation, the main county Sheriff's Office and, the local fire agency and supplied to the property owners within a 300 200 foot radius of the proposed residential vacation rental property. This notice shall state the property owner's intention to establish a residential vacation rental and shall include the name address and phone number of the local contact person and the standards for noise, parking and maximum occupancy. A copy of the notice, a form certifying that the notice has been sent and a list of the property owners notified shall be supplied to the Planning and Building Department at the time of application for the residential vacation rental.

The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s). Any change in the local contact person's address or telephone number shall be promptly furnished to the agencies and neighboring property owners as specified in this subsection. In addition, the standards for parking, maximum occupancy and noise shall be posted inside the residential vacation rental unit and shall be incorporated as an addendum to the vacation rental contracts.
  - (2) If the local contact person is unavailable or fails to respond, the complaining party may contact the Sheriff's Office. The Sheriff will attempt to reach the local contact person. In cases where the Sheriff was unable to reach the local contact person, the penalties as set forth in Subsection n shall apply.
- l. **Transient Occupancy Tax.** Each residential vacation rental unit shall meet the regulations and standards set forth in Chapter 3.08 of the County Code, including any required payment of transient occupancy tax for each residential vacation rental unit.
- m. **Effect on existing residential vacation rentals.** Each individual vacation rental in existence on the effective date of this section September 10, 2003 shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this Section



except Subsection c. regarding location, provided evidence that the vacation rental unit was in existence prior to April 11, 2003. Residential vacation rentals legally established prior to the effective date of these amendments ( ) shall be subject to a Zoning Clearance, Business License, Transient Occupancy Tax Registration, and all standards set forth in this Section except Subsection b regarding the requirement for a Minor Use Permit and that part of Subsection c regarding location across the fronting street.. If a Zoning Clearance and Business License issued for a Residential Vacation Rental, expires pursuant to Title 23 and Title 6 of the County Code, a new Zoning Clearance and Business License shall be required and shall be subject to all standards as set forth in this Section. Zoning Clearance, Business License, and Transient Occupancy Tax Registration, shall be requested from the county within 120 days of the effective date specified above. If the Zoning Clearance, Business License, and Transient Occupancy Tax Registration, have not been requested within the time frames set forth in this section, the penalties of Chapter 23.10 (Enforcement) of this Title shall apply.

n. **Violation - vacation rental.** It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. The penalties for violation of this section are set forth in Chapter 23.10 of this Title (Enforcement). Additional penalties for violation of this section may include revocation of the Zoning Clearance and Business License. Violations that will cause the processing of Zoning Clearance revocation include, but are not limited to:

- (1) Failure to notify County staff when the contact person changes.
- (2) Violation of the residential vacation rental tenancy standards as set forth in Subsection d.
- (3) Violation of the residential vacation rental maximum occupancy, parking and noise requirements as set forth in Subsections e, i and j.
- (4) The inability of County staff or the Sheriff to reach a contact person.

Three documented violations of Subsection n by a County Code Enforcement officer or Sheriff's deputy within any consecutive six month period shall be grounds for revocation of the Zoning Clearance. If a local contact person is not able to be reached by the Sheriff more than three times in any consecutive six month period, this shall be grounds for revocation of the Business License consistent with Title 6 of the County Code.

**SECTION 2. TO BE DETERMINED** *That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.*

**SECTION 3.** If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause,

phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 4. This ordinance shall become operative only upon approval by the California Coastal Commission and upon acknowledgment by the San Luis Obispo County Board of Supervisors of receipt of the Commission's resolution of certification.

SECTION 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

WARREN R. JENSEN  
County Counsel

By: \_\_\_\_\_  
Deputy County Counsel

Dated: \_\_\_\_\_